

# House File 778 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 89)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to local regulation of smoking.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 1617HV 82  
4 pf/cf/24

PAG LIN

1 1 Section 1. Section 142B.1, subsections 1 and 3, Code 2007,  
1 2 are amended to read as follows:  
1 3 1. "Bar" means ~~an a legal=age=restricted establishment or~~  
~~1 4 portion of an establishment where one can purchase and consume~~  
1 5 ~~that is primarily devoted to the serving of alcoholic~~  
1 6 ~~beverages as defined in section 123.3, subsection 4, but~~  
~~1 7 excluding any establishment or portion of the establishment~~  
~~1 8 having table and seating facilities for serving of meals to~~  
~~1 9 more than fifty people at one time and where, in consideration~~  
~~1 10 of payment, meals are served at tables to the public to guests~~  
~~1 11 on the premises and in which the serving of food is incidental~~  
~~1 12 to the consumption of those beverages, including but not~~  
~~1 13 limited to taverns, nightclubs, cocktail lounges, and~~  
~~1 14 cabarets.~~  
1 15 3. "Public place" means any enclosed indoor area used by  
1 16 the general public or serving as a place of work containing  
1 17 two hundred fifty or more square feet of floor space,  
1 18 including, but not limited to, all restaurants with a seating  
1 19 capacity greater than fifty, all retail stores, lobbies and  
1 20 malls, offices, including waiting rooms, and other commercial  
1 21 establishments; public conveyances with departures, travel,  
1 22 and destination entirely within this state; educational  
1 23 facilities; hospitals, clinics, nursing homes, and other  
1 24 health care and medical facilities; and auditoriums,  
1 25 elevators, theaters, libraries, art museums, concert halls,  
1 26 indoor arenas, and meeting rooms. "Public place" does not  
1 27 include ~~a:~~  
1 28 a. A retail store at which fifty percent or more of the  
~~1 29 sales result from the sale of tobacco or tobacco products,~~  
~~1 30 the.~~  
1 31 b. The portion of a retail store where tobacco or tobacco  
1 32 products are sold, ~~a.~~  
1 33 c. A private, enclosed office occupied exclusively by  
1 34 smokers even though the office may be visited by nonsmokers,  
~~1 35 a.~~  
2 1 d. A room used primarily as the residence of students or  
2 2 other persons at an educational facility, a sleeping room in a  
2 3 motel or hotel, or each resident's room in a health care  
2 4 facility. The person in custody or control of the facility  
2 5 shall provide a sufficient number of rooms in which smoking is  
2 6 not permitted to accommodate all persons who desire such  
2 7 rooms.  
2 8 e. A bar.  
2 9 f. A business location licensed under chapter 99D or 99F.  
2 10 g. A private residence unless used as a child care  
~~2 11 facility, child care home, or a health care provider location.~~  
2 12 Sec. 2. Section 142B.1, Code 2007, is amended by adding  
2 13 the following new subsection:  
2 14 NEW SUBSECTION. 1A. "Health care provider location" means  
2 15 an office or institution providing care or treatment of  
2 16 disease whether physical, mental, or emotional, or other  
2 17 medical, physiological, or psychological conditions, including  
2 18 but not limited to a hospital as defined in section 135B.1, a  
2 19 health care facility as defined in section 135C.1, an elder

2 20 group home as defined in section 231B.1, an assisted living  
2 21 program as defined in section 231C.2, an adult day services  
2 22 program as defined in section 231D.1, clinics, laboratories,  
2 23 and the locations of professionals regulated pursuant to Title  
2 24 IV, subtitle 3, and includes all enclosed areas of the  
2 25 location including waiting rooms, hallways, other common  
2 26 areas, private rooms, semiprivate rooms, and wards within the  
2 27 location.

2 28 Sec. 3. Section 142B.2, subsection 3, unnumbered paragraph  
2 29 1, Code 2007, is amended to read as follows:

2 30 Where smoking areas are designated, existing physical  
2 31 barriers and existing ventilation systems shall be used to  
2 32 minimize the toxic effect of smoke in adjacent nonsmoking  
2 33 areas. In the case of public places consisting of a single  
2 34 room, the provisions of this law shall be considered met if  
2 35 one side of the room is reserved and posted as a no-smoking  
3 1 area. No public place ~~other than a bar~~ shall be designated as  
3 2 a smoking area in its entirety. ~~If a bar has within its~~  
~~3 3 premises a nonsmoking area, this designation shall be posted~~  
~~3 4 on all entrances normally used by the public.~~

3 5 Sec. 4. Section 142B.6, unnumbered paragraph 3, Code 2007,  
3 6 is amended by striking the unnumbered paragraph.

3 7 Sec. 5. NEW SECTION. 142B.6A LOCAL REGULATION OF  
3 8 SMOKING.

3 9 1. A city or county may provide for the enforcement, by  
3 10 ordinance, of standards or requirements for public places or  
3 11 public meetings that are higher or more stringent than those  
3 12 imposed under this chapter.

3 13 2. An ordinance adopted under subsection 1 may  
3 14 specifically include the following:

3 15 a. An ordinance that eliminates or limits the exemptions  
3 16 specified in section 142B.2, subsection 1.

3 17 b. An ordinance that prohibits the designation of smoking  
3 18 areas notwithstanding section 142B.2, subsection 2.

3 19 c. An ordinance that eliminates or limits the exemption in  
3 20 section 142B.2, subsection 3, relating to a public place  
3 21 consisting of a single room.

3 22 d. An ordinance that provides higher or more stringent  
3 23 standards or requirements relating to the posting of signs as  
3 24 provided in section 142B.4.

3 25 e. An ordinance that provides higher or more stringent  
3 26 civil penalties than those provided in section 142B.6.

#### 3 27 EXPLANATION

3 28 This bill provides that a city or county may adopt an  
3 29 ordinance to provide for the enforcement of standards or  
3 30 requirements for public places or public meetings that are  
3 31 higher or more stringent than those imposed under Code chapter  
3 32 142B (smoking prohibitions).

3 33 The bill provides that an ordinance may specifically:  
3 34 eliminate or limit the exemptions relating to designation of a  
3 35 smoking area or the application of designation of a smoking  
4 1 area to an entire room or hall that is used for a private  
4 2 social function, or to factories, warehouses, or similar  
4 3 places of work not usually frequented by the general public;  
4 4 prohibit the designation of a smoking area; eliminate or limit  
4 5 the provisions allowing for exemptions for a single room;  
4 6 provide higher or more stringent standards or requirements  
4 7 relating to the posting of signs; or provide higher or more  
4 8 stringent civil penalties.

4 9 The bill also redefines "bar" and "public place" and  
4 10 provides a definition for "health care provider location" for  
4 11 the purposes of chapter 142B. In addition to existing  
4 12 exclusions, the bill provides that the definition of public  
4 13 place does not include a bar, a business location licensed  
4 14 under chapter 99D (pari-mutuel wagering) or 99F  
4 15 (gambling=excursion gambling boats and racetracks) or a  
4 16 private residence unless used as a child care facility, child  
4 17 care home, or a health care provider location.

4 18 The bill also eliminates the provision relating to  
4 19 enforcement of the smoking prohibitions Code chapter in an  
4 20 equitable and uniform manner throughout the state.

4 21 LSB 1617HV 82

4 22 pf:nh/cf/24